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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/571,262

01/16/2007

Javis Roberts

13647-4

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1059 7590 10/06/2008

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EXAMINER

SCHARICH, MARC A

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

10/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/571,262	<b>Applicant(s)</b> ROBERTS, JAVIS	
	<b>Examiner</b> MARC A. SCHARICH	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/9/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/9/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. The specification is *objected to* for being incomplete and not sufficiently describing the claimed invention, thus lacking support for the limitations in claims 1-19. Furthermore, the "Detailed Description of the Invention" fails to provide any reference characters or numerals that designate or refer to any physical structure in Figs. 1-19. The "Detailed Description of the Invention" appears to be more of a 'history lesson' about sailboats than a clear, concise description, including specific reference to the drawings and actually describing what the invention comprises. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose issues in the specification are: no reference numerals in the written description properly describing the invention or in the drawings [*which are also unclear for reasons stated below*].

### *Drawings*

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-26 either contain light "hazy" sketches or solid dark "blotch" shading that make the figures indecipherable. *Furthermore*, there are NO reference numerals on any of the drawings [*and likewise in the specification*] that specifically describe or reference structure of the invention, thus making it very difficult

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for one of ordinary skill in the art to make, use or understand such an invention as described in the application.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

**3. Claim 1** is *objected to* because of the following informalities: In line 3, the word "extendible" should be *changed to* -- extendable -- (for consistency). *Appropriate correction is required.*

### ***Claim Rejections - 35 USC § 112***

**4.** The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 4,7,8,9,10,11 and 18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

*Claims 4, 7 and 9* contain the limitation "*optionally* comprise" or "*optionally* comprising" which is indefinite.

*Claim 8* recites the limitation "the lower mast section" in line 2. There is insufficient antecedent basis for this limitation in the claim.

*Claim 10* recites the limitation "the sail" in line 2. There is insufficient antecedent basis for this limitation in the claim.

*Claim 11* recites the limitations "the means for deploying" in lines 1-2, "the yardarm" in line 2, and "the sail" in line 3. There is insufficient antecedent basis for these limitations in the claim.

*Claim 18* recites the limitation "the sails" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Chun, U.S. Patent No. 4,657,514.

Chun discloses an amphibious pedal powered sailboat (Figs. 1-4) comprising at least: a hull (1), front wheels (19) and rear wheels (12), the rear wheels (12) connected

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to an axle shaft (11) driven by sprockets (6 and 7), chain (5) and pedals (4) for moving the sailboat over land. Additionally, the axle shaft (11) is operably connected to a spur gear (9) and pinion (10) in order to rotate a pinion shaft (13) and thus a rear screw propeller (15) to propel the sailboat when in water. Additionally, a steering wheel (29) is operably connected to a rear rudder (22) via a transmission shaft (30) and mitered gears (31) in order to steer the sailboat when in water. At the front of the sailboat, a mast stand (23) is mounted on a steering handle (20) from which a mast and sail (34) may be extended and then rotatably adjusted via a direction of the handle (20).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: the prior art disclosed on from PTO-892 relates to vessels that are capable of traversing over land and water with a hull-like structure and at least one wheel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC A. SCHARICH whose telephone number is (571)272-3244. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.S. – 9/28/2008

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Patent Examiner  
Art Unit 3611

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